

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Joseph T. Kelliher, Chairman;
Sudeen G. Kelly, Marc Spitzer,
Philip D. Moeller, and Jon Wellinghoff.

Allegheny Electric Cooperative, Inc., et al.

Docket Nos. EL07-56-000

v.

PJM Interconnection, L.L.C.;

Organization of PJM States, et al.

EL07-58-000

v.

PJM Interconnection, L.L.C.

ORDER CONSOLIDATING PROCEEDINGS, ISSUING DATA REQUESTS AND
RELATED MATTERS

(Issued May 18, 2007)

1. On April 17, 2007, the District of Columbia Office of the People's Counsel (DC Counsel), on behalf of Joint Complainants,¹ filed a Complaint for a Show Cause Order,

¹ Allegheny Electric Cooperative, Inc.; Borough of Chambersburg, Pennsylvania; Cities and Towns of Hagerstown, Thurmont and Williamsport, Maryland; District of Columbia Office of the People's Counsel; Illinois Citizens Utility Board; Indiana Office of Utility Consumer Counsel; Maryland Office of the People's Counsel; New Jersey Division of Rate Counsel; Office of the Attorney General of Virginia, Division of Consumer Counsel; Office of the Ohio Consumers' Counsel; Old Dominion Electric Cooperative; Pennsylvania Office of Consumer Advocate; PJM Industrial Customer Coalition; Southern Maryland Electric Cooperative, Inc.; State of Delaware, Division of the Public Advocate.

on a Fast Track Basis and Request for Shortened Response Time, alleging certain tariff violations by PJM Interconnection, L.L.C. (PJM). This complaint was assigned Docket No. EL07-56-000. On April 26, 2007, DC Counsel filed an Errata to the Complaint.

2. On April 23, 2007, the Organization of PJM States (OPSI), on behalf of itself and several other state commissions,² filed a Complaint against PJM Requesting Fast Track Processing and Motion for Interim Relief, and alleged certain tariff violations by PJM. This complaint was assigned to Docket No. EL07-58-000. On April 30, 2007, OPSI filed an Amended Complaint.

3. In Docket No. EL07-56-000, 25 entities filed timely motions to intervene. In Docket No. EL07-58-000, 26 entities filed timely motions to intervene. PJM filed answers in both dockets, generally denying the allegations made in the complaints and opposing the relief sought. Subsequent to the May 3, 2007 filing deadline in Docket No. EL07-58-000, the following three entities filed motions for leave to intervene out of time: American Municipal Power-Ohio, Inc. (AMP-Ohio); Pepco Holdings, Inc.³ (Pepco); and American Electric Power Service Corporation (AEP). All of these entities had already filed intervention motions in Docket No. EL07-56-000. On May 15, 2007, OPSI filed a Motion for Leave to Respond to Answer and Answer.⁴

4. In this order, the Commission consolidates Docket Nos. EL07-56-000 and EL07-58-000; grants motions for late intervention; grants fast track processing; and defers action on the proposal for interim relief requested by OPSI until it receives the responses to data requests which the Commission is serving on PJM and Joseph E. Bowring, Market Monitor for PJM.

² Delaware Public Service Commission; District of Columbia Public Service Commission; Indiana Utility Regulatory Commission; Kentucky Public Service Commission; Maryland Public Service Commission; New Jersey Board of Public Utilities; North Carolina Utilities Commission; Public Utility Commission of Ohio; Pennsylvania Public Utility Commission; Virginia State Corporation Commission.

³ Pepco Holdings, Inc. filed on its own behalf and on behalf of its affiliates Potomac Electric Power Company; Atlantic City Electric Company, Delmarva Power & Light Company; Connectiv Energy Supply, Inc.; and Pepco Energy Services, Inc.

⁴ A list of the parties in Docket Nos. EL07-56-000 and EL07-58-000 is set forth in the Appendix attached to this order.

Procedural Matters

5. In support of the relief requested, both complaints cite certain statements submitted by Dr. Bowring at the technical conference held on April 5, 2007, in Docket No. AD07-8-000 on market monitoring policies. In his prepared statement, Dr. Bowring alleged that certain actions had been taken by PJM management with respect to personnel matters and the submission of reports by the PJM Market Monitoring Unit (MMU) which, in his opinion, if continued, could result in inadequate resources for the MMU to meet its tariff-defined responsibilities.

6. Although the relief requested in the two complaints differs somewhat, both complaints allege that PJM has violated Attachment M of its tariff,⁵ and both request the Commission to impose requirements on PJM which, in the opinion of Complainants, are necessary to ensure the MMU will be able to perform its tariff-defined functions.

7. Given the similarity of issues presented in the two complaints, the Commission hereby consolidates both complaints.

8. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2006), timely, unopposed motions to intervene serve to make the entities that filed them parties to this proceeding.

9. With respect to the three entities seeking late intervention, inasmuch as these entities had already timely filed in Docket No. EL07-56-000, and no one has opposed their intervention, the Commission grants their motions for late intervention.

10. With respect to its Motion for Leave to Respond to Answer filed by OPSI, the Commission notes that answers may not be made to answers, unless otherwise ordered by the decisional authority.⁶ In this instance, the Commission determines that the Answer of OPSI will assist it in its deliberations, and grants the Motion for Leave to Respond to Answer.

11. Both complaints requested fast track processing. The Commission notes that this request has in effect already been granted; notice of each complaint was issued the day after filing, and a shortened time period for filing interventions and comments was

⁵ Section V. of Attachment M of PJM's Open Access Transmission Tariff requires PJM, inter alia, to provide appropriate staff and resources to the MMU, access to required information, and the cooperation of PJM.

⁶ 18 C.F.R. § 385.213(a)(2).

ordered (12 days for the complaint in Docket No. EL07-56-000, 10 days for the complaint in Docket No. EL07-58-000). The Commission intends to continue fast track processing for the consolidated docket and will adjust filing deadlines in accordance with that determination.

12. PJM states in its Answer in Docket No. EL07-56-000 that it has retained an independent counsel to investigate the statements made by Dr. Bowring at the Commission's April 5 technical conference, which underpin these complaints. PJM also has committed to provide the results of that internal investigation to the Commission. This order is not intended to delay or affect PJM's ongoing internal investigation. If we receive the report on the internal investigation during the course of our investigation, we will enter it into the record of this case.

Request for Interim Relief

13. OPSI seeks interim relief to prevent the impairment of the PJM MMU or its ability to perform its functional responsibilities, and harm that would occur from a loss of or reduction in the capabilities and responsibilities of the PJM MMU, or the impairment of its personnel and resources. With respect to OPSI's request for interim relief, the Commission notes that allegations of tariff violations raise serious concerns. However, the Commission also notes that the allegations made in the two consolidated complaints turn primarily on factual disputes. The Commission does not, however, have a full record on which to resolve those disputes.

14. In order to determine whether tariff violations have occurred, whether they continue to occur, and whether any actions of PJM have prevented or impeded the MMU from performing its tariff-defined responsibilities, the Commission will therefore serve the attached data requests upon PJM and Dr. Bowring to obtain the factual information necessary to resolve the complaints. Responses to these data requests are due no later than ten days from the date of this Order.

15. The Commission defers action on OPSI's request until such time as it has received responses to these data requests and has the requisite factual predicate upon which to grant or deny the request for interim relief.

The Commission orders:

(A) The Commission consolidates Docket Nos. EL07-56-000 and EL07-58-000.

(B) The Commission grants the requests for late intervention filed by AMP-Ohio, Pepco and AEP.

(C) The Commission grants the Motion for Leave to Respond to Answer filed by OPSI.

(D) The Commission grants fast track processing with respect to the consolidated docket.

(E) The Commission defers action on the request for interim relief filed by OPSI, until such time as it has an adequate factual predicate upon which to grant or deny it.

(F) The Commission directs the Secretary to serve the respective attached data requests upon PJM and Dr. Bowring.

By the Commission.

(S E A L)

Philis J. Posey,
Deputy Secretary.

APPENDIX

Parties in Docket No. EL07-56-000:

Allegheny Electric Cooperative, Inc., et al.
PJM Interconnection, L.L.C.
Allegheny Energy Supply Company, LLC
American Electric Power Service Corporation
American Municipal Power – Ohio, Inc.
American Public Power Association
Constellation Energy Commodities Group, Inc., et al.
Coral Power, L.L.C.
DC Energy, LLC
Designated FirstEnergy Affiliates
Dominion Resources Services, Inc.
Dynegy Power Marketing, Inc.
Electric Power Supply Association
Electricity Consumers Resource Council
FPL Energy Generators
Mirant Energy Trading, LLC, et al.
Morgan Stanley Capital Group Inc.
North Carolina Electric Membership Corporation
NRG Companies
Organization of PJM States, Inc., et al.
Pennsylvania Public Utility Commission
PEPCO Holdings, Inc., et al.
PJM Power Providers Group
PPL Parties
PSEG Companies
Reliant Energy, Inc.
Williams Power Company, Inc.

Parties in Docket No. EL07-58-000:

Organization of PJM States, Inc., et al.
PJM Interconnection, L.L.C.
Allegheny Electric Cooperative, Inc., et al.
Allegheny Electric Cooperative, Inc., (individually)
Allegheny Energy Supply Company, LLC
American Electric Power Service Corporation

American Municipal Power – Ohio, Inc.
American Public Power Association
Baltimore Gas and Electric Company
BP Energy Company
Constellation Energy Commodities Group, Inc., et al.
DC Energy, LLC
Designated FirstEnergy Affiliates
Dominion Resources Services, Inc.
Dynegy Power Marketing, Inc.
Electric Power Supply Association
FPL Energy Generators
Mirant Energy Trading, LLC, et al.
Morgan Stanley Capital Group Inc.
North Carolina Electric Membership Corporation
NRG Companies
Old Dominion Electric Cooperative, et al.
Old Dominion Electric Cooperative (individually)
PEPCO Holdings, Inc., et al.
PJM Industrial Customer Coalition
PJM Power Providers Group
PPL Parties
PSEG Companies
Reliant Energy, Inc.
Southern Maryland Electric Cooperative, Inc.
Williams Power Company, Inc.

Attachment

DATA AND DOCUMENT REQUEST TO PJM INTERCONNECTION, L.L.C.

Docket No. EL07-56-000

Docket No. EL07-58-000

Responses to this Data and Document Request are due no later than ten days from the date of the Commission's Order Consolidating Proceedings, Issuing Data Requests and Related Matters issued in the above-referenced dockets. All responses must be accompanied by one or more affidavits attesting to the truthfulness, completeness, and accuracy of the responses. Each response is to be signed under oath, in the form of an affidavit, by an authorized officer or agent of PJM Interconnection, L.L.C. Each affiant must have personal knowledge of the content of the response to which his or her affidavit applies. Detailed instructions are contained in the attached document entitled "General Instructions and Definitions." Please provide two copies of the responsive hardcopies and compact discs.

You are hereby directed to preserve and maintain, and not to discard or destroy, any and all documents or information related to the subject matter of the complaints in these dockets.

NOTE: In these data requests, the term "PJM" refers to PJM Interconnection, L.L.C., and the term "MMU" refers to the Market Monitoring Unit of PJM.

1. Based on the Prepared Statement of Joseph E. Bowring submitted at the Federal Energy Regulatory Commission's technical conference on market monitoring policies, held April 5, 2007 in Docket No. AD07-8-000 (Bowring Statement), the Organization of PJM States is concerned about the impairment of the PJM MMU and its ability to perform its functional responsibilities that may have or could occur from a loss or reduction in the capability and responsibilities of the PJM MMU and impairment of its personnel and resources. Please state the following:
 - A. The number of employees, with job title and function of each, who have left the MMU and taken a position elsewhere in PJM since the date of the meeting at which Mr. Harris made his statement.
 - B. Whether any or all such employees continue to perform MMU functions on a shared responsibility basis.
 - C. Whether the vacated MMU positions have been filled or posted.

- D. Whether PJM management has ordered that any such vacated MMU positions not be filled. If so, provide the date of any statement conveying such an order, the person making the statement, details of the statement itself, and any and all documents relating to such statement.
2. In its Answer filed in Docket No. EL07-56-000, PJM states that it has implemented a retention plan for MMU employees, providing for a completion bonus to every MMU employee who remains with the MMU through the completion of the consideration of any alternative market monitor structure. Provide all details of such plan, including the date of the plan's implementation, and provide a copy of the plan itself. Also state whether the principal features of the plan have been explained to MMU personnel and, if so, the date and manner upon which this was done.
 3. State whether the MMU has been denied access to the MMU database or to any market or other data to which it previously had access. If so, provide all details surrounding such denial, including the following:
 - A. The date of the denial,
 - B. The nature of the data to which the MMU was denied access,
 - C. How the denial was accomplished,
 - D. The name and job title of the person who denied the access,
 - E. Any and all statements made in connection with such denial,
 - F. Any documents received in connection with such denial.
 4. State how many employees are currently employed by the MMU. Provide average MMU employment levels for 2006, 2005, and 2004.
 5. State whether PJM management has reduced the staffing of the MMU, reduced the resources available to the MMU, or limited the MMU's access to any data used by the MMU to perform its tariff-defined functions, at any time during the past twelve months. If so:
 - A. Describe in detail all such reductions or limitations and the date of each,
 - B. Describe in detail the circumstances surrounding each reduction or limitation,
 - C. State why such reductions or limitations have not impeded the MMU's ability to perform its tariff-defined functions,
 - D. Provide any and documents that relate to such reductions or limitations.

6. In paragraph 10 of the Bowring Statement, Dr. Bowring asserts that PJM management ordered him to modify the State of the Market Report. Provide the following with respect to this assertion:
 - A. Complete details of any communications, whether orally or in writing, with any MMU personnel regarding suggested alterations to the State of the Market Report,
 - B. The name of the person who made the communication(s),
 - C. The date, location and circumstances of the communications(s) and persons present,
 - D. Any and all notes taken regarding such communication(s),
 - E. Any and all documents made in connection with such communication(s).
 - F. State whether the State of the Market report was altered following such communication(s), and if so, in what respects.
 - G. If the State of the Market report was not altered following any such communication(s), state whether Dr. Bowring was admonished or disciplined for failing to do so, and provide all details and documents regarding such admonishment or discipline.
7. In paragraph 10 of the Bowring Statement, Dr. Bowring asserts that PJM management prevented him from making a presentation to a membership committee on the exemption of certain interfaces from mitigation. Provide the following with respect to this assertion:
 - A. Details of the alleged incident,
 - B. The name and job title of the person who contacted Dr. Bowring about not making the presentation, and his/her reasons for doing so,
 - C. The date, location and circumstances of any and all statements made regarding such contact, and persons present when each of the statements was made,
 - D. Any and all notes taken regarding such statements,
 - E. Any and all documents made in connection with such statements.
 - F. State whether PJM management disagreed with Dr. Bowring's analysis on the exemption issue, and if so describe the nature of that disagreement.
 - G. State whether Dr. Bowring subsequently made the presentation, and provide the date and circumstances surrounding such presentation.
8. In paragraph 10 of the Bowring Statement, Dr. Bowring asserts that PJM management delayed the release of an MMU report regarding the regulation market. Provide the following with respect to this assertion:

- A. Details of the alleged incident,
 - B. The name and job title of the person who allegedly delayed the release,
 - C. The date, location and circumstances of any and all statements made regarding the delayed release, and persons present when each of the statements was made,
 - D. Any and all notes taken regarding such statements,
 - E. Any and all documents made in connection with such statements.
 - F. State whether PJM disagreed with any features of the MMU report on the regulation market, and if so describe the nature of that disagreement.
 - G. State if and when the report was released, and provide the date and circumstances surrounding such release.
9. State whether, prior to April 5, 2007, Dr. Bowring informed PJM management that the MMU was impeded in performing its tariff functions either by PJM failing to provide appropriate staffing and resources, failing to provide access to required information, or failing to arrange for the cooperation of PJM employees with the MMU, all as required by the PJM Open Access Transmission Tariff of PJM (PJM Tariff). Describe each such occasion, describe in detail what was said, who was present, and provide any and all documents that relate to such discussions.
10. With respect to (i) the Answer of PJM Interconnection, L.L.C. to Complaint for a Show-Cause Order, filed in Docket No. EL07-56-000, or to (ii) the Answer of PJM Interconnection, L.L. C. to Complaint and Motion for Interim Relief, filed in Docket No. EL07-58-000, state whether any of the factual assertions made therein are no longer correct and, if so, which ones and the reasons they are no longer correct.

General Instructions and Definitions
Data and Document Request to PJM Interconnection, L.L.C.

The following General Instructions and Definitions apply to each data request.

A. General Instructions

1. Provide one electronic copy and an original and one copy of each answer and any accompanying documents.
2. Each data request is continuing in nature and requires supplemental responses as soon as further information is obtained that is responsive to the request.
3. In response to each data request, provide information available from the corporate and individual files of the MMU and its employees.
4. Each document of more than one page should be stapled or otherwise bound.
5. Each written response should designate the respective data request and subpart or portion of the item under which it is being provided. The data responses should be provided in numerical order.
6. If you object to a data request or withhold any information or document requested in a data request, identify the information and documents objected to or withheld and provide a written explanation of the specific grounds for the failure to furnish it. With respect to any withholding of information or documents on grounds of privilege or the work-product doctrine, provide a log that states, for each document or item of information: (a) a general description of the document or information, (b) the name of every person who authored, generated, or received the document or information, (c) the names of all participants in any communication asserted to be privileged, or persons who were present during the communication, along with the affiliations of those persons, (d) the date of the document or information, (e) the custodian of the document or information, and (f) the basis for the privilege or other basis for withholding.
7. If any document responsive to any question has been discarded, destroyed, or is unavailable, state when, and explain why, such document was destroyed, discarded, or is unavailable. If a claim is made that the destruction occurred pursuant to the MMU's document destruction program, identify and produce a copy of the guideline, policy or manual describing such program, and any correspondence or communication relating to the destruction. If the document or

copies are still in existence, identify each such document by listing its author and address, type (e.g., letter, memorandum, telegram, chart, photograph, etc.), date, subject matter, present location and custodian.

8. The terms "and" and "or" should be construed either disjunctively or conjunctively whenever appropriate in order to bring within the scope of each question any information or document that might otherwise be considered to be beyond its scope.

9. The singular form of a word should be interpreted as plural, and the plural form of a word should be interpreted as singular, whenever appropriate, in order to bring within the scope of each question any information or document which might otherwise be considered to be beyond its scope.

B. Definitions

1. "Affiliate" means another person which controls, is controlled by, or is under common control with, such person.

2. "Communication(s)" includes all verbal and written communications of every kind, including, but not limited to, telephone calls, conferences, electronic mail and correspondence, and all documents and memoranda concerning the communication.

3. "Control" (including the terms "controlling," "controlled by," and "under common control with") includes, but is not limited to, the possession, directly or indirectly and whether acting alone or in conjunction with others, of the authority to direct or cause the direction of the management or policies of a company. A voting interest of 10 percent or more creates a rebuttable presumption of control.

4. (a) "Documents" refers to the originals of all writings and records of every type in your possession, control, or custody, including but not limited to: testimony and exhibits, memoranda, correspondence, letters, reports (including drafts, preliminary, intermediate, and final reports), surveys, analyses, studies (including economic and market studies), summaries, comparisons, tabulations, charts, books, pamphlets, photograph forms (including microfilm, microfiche, prints, slides, negatives, videotapes, motion pictures, and photocopies), maps, sheets, ledgers, transcripts, vouchers, accounting statements, budgets, work papers, engineering diagrams, communications, speeches, and all other records, written, electronic (including information on electronic or magnetic storage devices),

mechanical, or otherwise, and drafts, attachments or appendices of any of the above.

(b) "Documents" includes copies of documents, where the originals are not in your possession, custody, or control. As to any document related to the matter herein that is not in your possession, but that you know or believe to exist, you are requested to identify and indicate to the best of your ability its present or last known location or custodian.

(c) "Documents" includes every copy of a document which contains handwritten or other notations or which otherwise does not duplicate the original or any other copies.

(d) "Documents" includes electronic data and records stored on computer equipment, including electronic devices which are capable of collecting, analyzing, creating, displaying, converting, storing, concealing or transmitting electronic, magnetic, optical, or similar computer impulses or data. These devices include but are not limited to any data-processing hardware (such as central processing units, hard disks, memory typewriters, and self-contained "laptop" or "notebook" computers); internal and peripheral storage devices (such as fixed disks, external hard disks, floppy disk drives and diskettes, tape drives and tapes, optical storage devices, CD-ROMs, printer buffers, Bernoulli drives, smart cards, memory calculators and other memory storage devices); peripheral input/output devices (such as printers and scanners); and related communications devices (such as modems, recording equipment, and RAM or ROM units).

5. (a) "Identification" and "identify" when used with respect to a document, includes (but is not limited to) stating the nature of the document (e.g., letter, memorandum, corporate minutes); the date, if known, on which the document was prepared; the title of the document; the general subject matter of the document; the number of pages in the document; the identity of each person who wrote, dictated, or otherwise participated in the preparation of the document; the identity of each person to whom the document was addressed; the location of the document; and the identity of the person having possession, custody, or control of the document. Identification of a document includes identifying all documents known or believed to exist whether or not they are in your custody.

(b) "Identification" and "identify" when used with respect to a person, includes, unless otherwise indicated, stating (i) his or her full name, (ii) his or her present title and position, (iii) his or her current daytime telephone number and address,

and (iv) his or her present and prior connections or association with, the company in question.

(c) "Identification" and "identify" when used with respect to an electronic document or data, includes (but is not limited to) stating the computer software and computer related documentation used to create the document or data and the identity of the person(s) in charge of collecting, processing, programming (if any) and analyzing the electronic document or data.

6. "Relating to" means in whole or in part constituting, containing, concerning, embodying, reflecting, describing, analyzing, identifying, stating, referring to, dealing with, or in any way pertaining to.

7. "You" and "your" means PJM Interconnection, L.L.C. and any of its employees, agents, contractors, consultants, attorneys, and any other person acting or purporting to act on its behalf.

DATA AND DOCUMENT REQUEST TO JOSEPH E. BOWRING

Docket No. EL07-56-000

Docket No. EL07-58-000

Responses to this Data and Document Request are due no later than ten days from the date of the Commission's Order Consolidating Proceedings, Issuing Data Requests and Related Matters issued in the above-referenced dockets. All responses must be accompanied by one or more affidavits attesting to the truthfulness, completeness, and accuracy of the responses. Each response is to be signed under oath, in the form of an affidavit, by yourself or an authorized officer or agent of the Market Monitoring Unit of PJM Interconnection, L.L.C. Each affiant must have personal knowledge of the content of the response to which his or her affidavit applies. Detailed instructions are contained in the attached document entitled "General Instructions and Definitions." Please provide two copies of the responsive hardcopies and compact discs.

You are hereby directed to preserve and maintain, and not to discard or destroy, any and all documents or information related to the subject matter of the complaints in these dockets.

NOTE: In these data requests, the term "PJM" refers to PJM Interconnection, L.L.C., and the term "MMU" refers to the Market Monitoring Unit of PJM.

1. Based on the Prepared Statement of Joseph E. Bowring submitted at the Federal Energy Regulatory Commission's technical conference on market monitoring policies, held April 5, 2007 in Docket No. AD07-8-000 (Bowring Statement), the Organization of PJM States is concerned about the impairment of the PJM MMU and its ability to perform its functional responsibilities that may have or could occur from a loss or reduction in the capability and responsibilities of the PJM MMU and impairment of its personnel and resources. Please state the following:
 - A. Whether the MMU has been unable to perform its tariff obligations as a result of the loss of any employees from the MMU since the date of the meeting at which Mr. Harris made his statement.
 - B. The number of employees, with job title and function of each, who have left the MMU and taken a position elsewhere in PJM since the date of

- the meeting at which Mr. Harris made his statement.
- C. Whether any or all such employees continue to perform MMU functions on a shared responsibility basis.
 - D. Whether the vacated MMU positions have been filled or posted.
 - E. Whether PJM management has ordered that any such vacated MMU positions not be filled. If so, provide the date of any statement conveying such an order, the person making the statement, details of the statement itself, and any and all documents relating to such statement.
2. In its Answer filed in Docket No. EL07-56-000, PJM states that it has implemented a retention plan for MMU employees, providing for a completion bonus to every MMU employee who remains with the MMU through the completion of the consideration of any alternative market monitor structure. State whether this statement of PJM's is correct as far as you know, and provide all details of such plan as you understand them, including the date of the plan's implementation. Provide any and all documents received by you or your employees relating to such plan.
3. State whether the MMU has been denied access to the MMU database or to any market or other data to which it previously had access. If so, provide all details surrounding such denial, including the following:
- A. The date of the denial,
 - B. The nature of the data to which the MMU was denied access,
 - C. How the denial was accomplished,
 - D. The name and job title of the person who denied the access,
 - E. Any and all statements made in connection with such denial,
 - F. Any documents received in connection with such denial.
4. State whether PJM management is currently preventing the MMU from performing its tariff functions either by failing to provide appropriate staffing and resources, failing to provide access to required information, or failing to arrange for the cooperation of PJM employees with the MMU, all as required by the PJM Tariff. State with as much specificity as possible all the reasons for your answer, the circumstances relied upon for your answer, and any and all documents that relate to such reasons and circumstances.
5. State how many employees are currently employed by the MMU. Provide MMU average employment levels for 2006, 2005, and 2004.

6. In paragraph 10 of the Bowring Statement, you assert that PJM management ordered you to modify the State of the Market Report. Provide the following with respect to this assertion:
 - A. Details of the statement in which the order was given (whether oral or written),
 - B. The name of the person who made the statement,
 - C. The date, location and circumstances of the statement and persons present,
 - D. Any and all notes taken regarding such statement,
 - E. Any and all documents made in connection with such a statement.
 - F. State whether you modified the State of the Market report as allegedly ordered, and if so, in what respects.
 - G. If you did not modify the State of the Market report as allegedly ordered, state whether you were admonished or disciplined for failing to do so, and provide all details and documents regarding such admonishment or discipline.
7. In paragraph 10 of the Bowring Statement, you assert that PJM management prevented you from making a presentation to a membership committee on the exemption of certain interfaces from mitigation. Provide the following with respect to this assertion:
 - A. Details of the incident,
 - B. The name and job title of the person preventing you from making the presentation,
 - C. The date, location and circumstances of any and all statements made regarding such prevention, and persons present when each of the statements was made,
 - D. Any and all notes taken regarding such statements,
 - E. Any and all documents made in connection with such statements.
 - F. State all bases for your assertion that PJM management disagreed with your analysis.
 - G. State whether you subsequently made the presentation, and provide the date and circumstances surrounding such presentation.
8. In paragraph 10 of the Bowring Statement, you assert that PJM management delayed the release of an MMU report regarding the regulation market. Provide the following with respect to this assertion:

- A. Details of the incident,
 - B. The name and job title of the person who delayed the release,
 - C. The date, location and circumstances of any and all statements made regarding the delayed release, and persons present when each of the statements was made,
 - D. Any and all notes taken regarding such statements,
 - E. Any and all documents made in connection with such statements.
 - F. State all bases for your assertion that PJM management disagreed with your conclusions.
 - G. State if and when the report was released, and provide the date and circumstances surrounding such release.
9. State whether, prior to April 5, 2007, PJM management prevented the MMU from performing its tariff functions either by failing to provide appropriate staffing and resources, failing to provide access to required information, or failing to arrange for the cooperation of PJM employees with the MMU, all as required by the PJM Open Access Transmission Tariff of PJM (PJM Tariff). State with as much specificity as possible all the reasons for your answer, the circumstances relied upon for your answer, and any and all documents that relate to such reasons and circumstances.
10. State whether you disagree with any of the factual statements made in the Answer of PJM Interconnection, L.L.C. to Complaint for a Show-Cause Order, filed in Docket No. EL07-56-000, or the Answer of PJM Interconnection, L.L.C. to Complaint and Motion for Interim Relief, filed in Docket No. EL07-58-000. If so, state with particularity with which statements you disagree and your reasons for such disagreement, and provide any and all supporting documentation.

General Instructions and Definitions
Data and Document Request to Joseph E. Bowring

The following General Instructions and Definitions apply to each data request.

A. General Instructions

1. Provide one electronic copy and an original and one copy of each answer and any accompanying documents.
2. Each data request is continuing in nature and requires supplemental responses as soon as further information is obtained that is responsive to the request.
3. In response to each data request, provide information available from the corporate and individual files of the MMU and its employees.
4. Each document of more than one page should be stapled or otherwise bound.
5. Each written response should designate the respective data request and subpart or portion of the item under which it is being provided. The data responses should be provided in numerical order.
6. If you object to a data request or withhold any information or document requested in a data request, identify the information and documents objected to or withheld and provide a written explanation of the specific grounds for the failure to furnish it. With respect to any withholding of information or documents on grounds of privilege or the work-product doctrine, provide a log that states, for each document or item of information: (a) a general description of the document or information, (b) the name of every person who authored, generated, or received the document or information, (c) the names of all participants in any communication asserted to be privileged, or persons who were present during the communication, along with the affiliations of those persons, (d) the date of the document or information, (e) the custodian of the document or information, and (f) the basis for the privilege or other basis for withholding.
7. If any document responsive to any question has been discarded, destroyed, or is unavailable, state when, and explain why, such document was destroyed, discarded, or is unavailable. If a claim is made that the destruction occurred pursuant to the MMU's document destruction program, identify and produce a copy of the guideline, policy or manual describing such program, and any correspondence or communication relating to the destruction. If the document or

copies are still in existence, identify each such document by listing its author and address, type (e.g., letter, memorandum, telegram, chart, photograph, etc.), date, subject matter, present location and custodian.

8. The terms "and" and "or" should be construed either disjunctively or conjunctively whenever appropriate in order to bring within the scope of each question any information or document that might otherwise be considered to be beyond its scope.

9. The singular form of a word should be interpreted as plural, and the plural form of a word should be interpreted as singular, whenever appropriate, in order to bring within the scope of each question any information or document which might otherwise be considered to be beyond its scope.

B. Definitions

1. "Affiliate" means another person which controls, is controlled by, or is under common control with, such person.

2. "Communication(s)" includes all verbal and written communications of every kind, including, but not limited to, telephone calls, conferences, electronic mail and correspondence, and all documents and memoranda concerning the communication.

3. "Control" (including the terms "controlling," "controlled by," and "under common control with") includes, but is not limited to, the possession, directly or indirectly and whether acting alone or in conjunction with others, of the authority to direct or cause the direction of the management or policies of a company. A voting interest of 10 percent or more creates a rebuttable presumption of control.

4. (a) "Documents" refers to the originals of all writings and records of every type in your possession, control, or custody, including but not limited to: testimony and exhibits, memoranda, correspondence, letters, reports (including drafts, preliminary, intermediate, and final reports), surveys, analyses, studies (including economic and market studies), summaries, comparisons, tabulations, charts, books, pamphlets, photograph forms (including microfilm, microfiche, prints, slides, negatives, videotapes, motion pictures, and photocopies), maps, sheets, ledgers, transcripts, vouchers, accounting statements, budgets, work papers, engineering diagrams, communications, speeches, and all other records, written, electronic (including information on electronic or magnetic storage devices),

mechanical, or otherwise, and drafts, attachments or appendices of any of the above.

(b) "Documents" includes copies of documents, where the originals are not in your possession, custody, or control. As to any document related to the matter herein that is not in your possession, but that you know or believe to exist, you are requested to identify and indicate to the best of your ability its present or last known location or custodian.

(c) "Documents" includes every copy of a document which contains handwritten or other notations or which otherwise does not duplicate the original or any other copies.

(d) "Documents" includes electronic data and records stored on computer equipment, including electronic devices which are capable of collecting, analyzing, creating, displaying, converting, storing, concealing or transmitting electronic, magnetic, optical, or similar computer impulses or data. These devices include but are not limited to any data-processing hardware (such as central processing units, hard disks, memory typewriters, and self-contained "laptop" or "notebook" computers); internal and peripheral storage devices (such as fixed disks, external hard disks, floppy disk drives and diskettes, tape drives and tapes, optical storage devices, CD-ROMs, printer buffers, Bernoulli drives, smart cards, memory calculators and other memory storage devices); peripheral input/output devices (such as printers and scanners); and related communications devices (such as modems, recording equipment, and RAM or ROM units).

5. (a) "Identification" and "identify" when used with respect to a document, includes (but is not limited to) stating the nature of the document (e.g., letter, memorandum, corporate minutes); the date, if known, on which the document was prepared; the title of the document; the general subject matter of the document; the number of pages in the document; the identity of each person who wrote, dictated, or otherwise participated in the preparation of the document; the identity of each person to whom the document was addressed; the location of the document; and the identity of the person having possession, custody, or control of the document. Identification of a document includes identifying all documents known or believed to exist whether or not they are in your custody.

(b) "Identification" and "identify" when used with respect to a person, includes, unless otherwise indicated, stating (i) his or her full name, (ii) his or her present title and position, (iii) his or her current daytime telephone number and address,

and (iv) his or her present and prior connections or association with, the company in question.

(c) "Identification" and "identify" when used with respect to an electronic document or data, includes (but is not limited to) stating the computer software and computer related documentation used to create the document or data and the identity of the person(s) in charge of collecting, processing, programming (if any) and analyzing the electronic document or data.

6. "Relating to" means in whole or in part constituting, containing, concerning, embodying, reflecting, describing, analyzing, identifying, stating, referring to, dealing with, or in any way pertaining to.

7. "You" and "your" means Joseph E. Bowring or the MMU and any of the MMU's employees, agents, contractors, consultants, attorneys, and any other person acting or purporting to act on the MMU's behalf.